

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

12-CR-311-A

KENNETH GRAHAM,

Defendant.

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE that the United States of America, by its Attorney, William J. Hochul, Jr., United States Attorney for the Western District of New York, Robert C. Moscati, Assistant United States Attorney, of counsel, hereby moves this Court to compel defendant's prior counsel to provide an affidavit with respect to defendant's motion and for a concomitant extension of time in which to respond to defendant's motion for new trial.

DATED: Buffalo, New York, December 30, 2013.

WILLIAM J. HOCHUL, JR.
United States Attorney

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CERTIFICATE OF SERVICE

I hereby certify that on December 30, 2013, I electronically filed the foregoing **NOTICE OF MOTION AND MOTION** with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participant on this case:

Robert Convissar, Esq.

S/DIANE CARLSEN
Legal Assistant